

**Introduced by Senator Chesbro**

February 16, 2005

---

An act to amend ~~Section 6046~~ of Sections 6047.13, 6047.29, and 6047.68 of, and to amend and renumber Section 6047.35 of, the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 295, as amended, Chesbro. Pierce's Disease Control Program.

*Existing law provides that there is within the Department of Food and Agriculture the Pierce's Disease Control Program. Existing law also creates the Pierce's Disease Management Account to be used for the costs that are incurred by the state or by local entities for research and other efforts to combat Pierce's disease and its vectors.*

*Existing law provides that there is in the Department of Food and Agriculture the Pierce's Disease and Glassy-winged Sharpshooter Board which may collect, enforce, deposit, and handle annual assessments upon grape producers. Existing law provides that all proprietary information obtained by the board is confidential and shall not be disclosed except when required by a court order. Existing law provides that a court may issue a temporary order restraining parties to a judicial proceeding involving these provisions from disseminating proprietary information which shall terminate upon the conclusion of the action.*

*This bill would provide that a court may issue more than one order and would remove provisions specifying that such an order would terminate upon conclusion of the action.*

*Existing law, operative until March 1, 2011, provides that the secretary shall appoint an advisory task force to advise him or her on the control and management of Pierce's disease.*

*This bill would provide that this provision would remain in effect notwithstanding the repeal of other provisions of law. This bill would make other conforming changes.*

*Existing law provides for the organization of districts to respond to, and distribute information about, the spread of the glassy-winged sharpshooter and Pierce's disease, by filing a petition with the county board of supervisors to form a district. Further, a fee may be charged to reimburse the county for expenses to organize the district and the subsequent election.*

*This bill would delete the reference to reimbursement for costs of an election.*

~~Existing law creates the Pierce's Disease Management Account to be used for the costs that are incurred by the state or by local entities for research and other efforts to combat Pierce's disease and its vectors.~~

~~This bill would instead specify that the funds in the account shall be used for costs incurred by the state or by county agricultural commissioners and would make those funds available a county agricultural commissioner who has created a Pierce's disease work plan, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 6046 of the Food and Agricultural Code~~  
2     ~~is amended to read:~~  
3     ~~SECTION 1. Section 6047.13 of the Food and Agricultural~~  
4     ~~Code is amended to read:~~  
5     ~~6047.13. (a) All proprietary information obtained by the~~  
6     ~~board or the department from producers, processors, or any other~~  
7     ~~source, including, but not limited to, the name, addresses, and~~  
8     ~~assessments collected from individual producers and processors~~  
9     ~~in the possession of the board or the department, including~~  
10    ~~processors' lists of their producers and the assessment of~~  
11    ~~individual producers, is confidential and shall not be disclosed,~~  
12    ~~except when required by a court order issued upon a showing of~~  
13    ~~good cause and that the information is necessary to a judicial~~  
14    ~~proceeding involving this article.~~

1 (b) Disclosure, as permitted under this section, shall be  
2 conducted in camera by the court.

3 (c) The court shall, in the court's discretion, issue ~~a temporary~~  
4 ~~order~~ orders restraining a party or parties to a judicial proceeding  
5 involving this article from disseminating any proprietary  
6 information to the public or any other person not a party to that  
7 judicial proceeding.

8 ~~(d) The temporary order shall terminate upon the entry of a~~  
9 ~~final order, a judgment, or a dismissal of the action.~~

10 *SEC. 2. Section 6047.29 of the Food and Agricultural Code is*  
11 *amended to read:*

12 6047.29. (a) The secretary shall appoint an advisory task  
13 force consisting of scientific experts, including, but not limited  
14 to, university researchers and agricultural representatives, for the  
15 purpose of advising the secretary on the control and management  
16 of Pierce's disease.

17 (b) Members of the advisory task force, or alternate members  
18 when acting as members, may be reimbursed, upon request, for  
19 necessary expenses incurred by them in the performance of their  
20 duties.

21 ~~(c) This~~ *Notwithstanding Sections 6047.20 and 6047.27, this*  
22 *section shall remain in effect until March 1, 2011, and as of that*  
23 *date is repealed, unless a later enacted statute, that is enacted*  
24 *before January March 1, 2011, deletes or extends that date.*

25 *SEC. 3. Section 6047.35 of the Food and Agricultural Code is*  
26 *amended and renumbered to read:*

27 ~~6047.35:~~

28 6047.3.5. Notwithstanding any other provision of law, the  
29 secretary, upon the recommendation of the board, may contract  
30 with any nonprofit authoritative scientific body with expertise in  
31 agricultural issues in order to expedite research relating to the  
32 eradication of Pierce's disease.

33 *SEC. 4. Section 6047.68 of the Food and Agricultural Code is*  
34 *amended to read:*

35 6047.68. (a) The petition shall be accompanied by a fee in an  
36 amount established by the board of supervisors as is necessary to  
37 reimburse the county for all costs incurred by it in connection  
38 with the proposed organization of the district ~~and subsequent~~  
39 ~~election~~. The board of supervisors may charge the district for

1 actual expenses incurred by the county in connection with the  
2 proceedings for the formation of the district.

3 (b) Upon the establishment of the district, the district shall  
4 reimburse those who provided the funds specified in subdivision  
5 (a) from assessments collected pursuant to this article.

6 ~~6046. (a) There is hereby created in the Department of Food  
7 and Agriculture the Pierree's Disease Control Program.~~

8 ~~(b) The Governor shall appoint a statewide coordinator, and  
9 the secretary shall provide an appropriate level of support  
10 staffing and logistical support for combating Pierree's disease and  
11 its vectors.~~

12 ~~(c) (1) There is hereby created the Pierree's Disease  
13 Management Account in the Food and Agriculture Fund.~~

14 ~~(2) The account shall consist of money transferred from the  
15 General Fund and money made available from federal, industry,  
16 and other sources. Money made available from federal, industry,  
17 and other sources shall be available for expenditure without  
18 regard to fiscal year for the purpose of combating Pierree's  
19 disease or its vectors. State general funds to be utilized for  
20 research shall only be expended when the secretary has received  
21 commitments from nonstate sources for at least a 25-percent  
22 match for each state dollar to be expended.~~

23 ~~(d) The funds appropriated pursuant to this section to the Food  
24 and Agriculture Fund for the purpose of combating Pierree's  
25 disease and its vectors shall be used for costs that are incurred by  
26 the state or by county agricultural commissioners during and  
27 subsequent to the fiscal year of the act that added this section for  
28 the purpose of research and other efforts to combat Pierree's  
29 disease and its vectors.~~

30 ~~(e) Whenever, in any county, funds are allocated by the  
31 Department of Food and Agriculture for local assistance  
32 regarding Pierree's disease and its vectors, those funds shall be  
33 made available to the county agricultural commissioner.~~

34 ~~(f) Funds appropriated for local assistance shall not be  
35 allocated to the county agricultural commissioner until he or she  
36 creates a Pierree's disease work plan that is approved by the  
37 department. Any funds allocated by the department to a county  
38 agricultural commissioner shall be utilized for activities  
39 consistent with the local Pierree's disease work plan or other  
40 programs or work plans approved by the department. It shall be~~

1 ~~the responsibility of the county agricultural commissioner to~~  
2 ~~develop and implement the local Pierce's disease work plan.~~  
3 ~~Upon request, the department shall provide consultation to the~~  
4 ~~county agricultural commissioner regarding the work plan.~~

5 ~~(g) The work plan created by the county agricultural~~  
6 ~~commissioner shall include, but is not limited to, all of the~~  
7 ~~following:~~

8 ~~(1) In coordination with the department, the development and~~  
9 ~~delivery of producer outreach information and training to local~~  
10 ~~communities, groups, and individuals to organize their~~  
11 ~~involvement with the work plan and to raise awareness regarding~~  
12 ~~Pierce's disease and its vectors.~~

13 ~~(2) In coordination with the department, the development and~~  
14 ~~delivery of ongoing training of the county agricultural~~  
15 ~~commissioner's employees in the biology, survey, and treatment~~  
16 ~~of Pierce's disease and its vectors.~~

17 ~~(3) The identification within the office of the county~~  
18 ~~agricultural commissioner of a local Pierce's disease coordinator.~~

19 ~~(4) The proposed treatment of Pierce's disease and its vectors.~~  
20 ~~Treatment programs shall comply with all applicable laws and~~  
21 ~~regulations and shall be conducted in an environmentally~~  
22 ~~responsible manner.~~

23 ~~(5) In coordination with the department, the development and~~  
24 ~~implementation of a data collection system to track and report~~  
25 ~~new infestations of Pierce's disease and its vectors in a manner~~  
26 ~~respectful of property and other rights of those affected.~~

27 ~~(6) On an annual basis, while funds appropriated by this~~  
28 ~~section are available for encumbrance, the department shall~~  
29 ~~review the progress of each county agricultural commissioner's~~  
30 ~~activities regarding Pierce's disease and its vectors and, as~~  
31 ~~needed, make recommendations regarding those activities to the~~  
32 ~~local public entity.~~

33 ~~(h) Notwithstanding Section 7550.5 of the Government Code,~~  
34 ~~the department shall report to the Legislature on January 1, 2001,~~  
35 ~~and each January 1 while this section is operative, regarding its~~  
36 ~~expenditures, progress, and ongoing priorities in combating~~  
37 ~~Pierce's disease and its vectors in California.~~

38 ~~(i) This article shall become inoperative on March 1, 2011,~~  
39 ~~and as of January 1, 2012, is repealed, unless a later enacted~~

- 1 ~~statute that is enacted before January 1, 2012, deletes or extends~~
- 2 ~~the dates on which it becomes inoperative and is repealed.~~

O